

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: February 19, 2010 Name: G. Peter Nichols Signature: /G. Peter Nichols/

**BRINKS
HOFER
GILSON
& LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Brovelli et al.

Appln. No.: 10/774,092

Filed: February 6, 2004

For: METHOD OF AUGMENTING THE IMMUNE-MODULATORY ACTIVITY OF STANDARDIZED ECHINACEA PREPARATIONS

Examiner: Patricia A. Leith

Art Unit: 1655

Conf. No.: 7125

Attorney Docket No.: 3086/1734 (AM 1150)

TRANSMITTAL

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is/are:

- ☒ Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences; Pre-Appeal Brief Request for Review; Reasons in Support of Pre-Appeal Brief Request for Review – Final Rejection.

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 CFR § 1.136(a).
- ☒ A petition or processing fee in an amount of \$540.00 (Notice of Appeal) under (37 CFR 41.20(b)(1)).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	OR	Rate	Add'l Fee
Total	6	Minus	22	0	x \$26=			x \$52=	0
Indep.	3	Minus	8	0	x 110=			x \$220=	
First Presentation of Multiple Dep. Claim					+\$195=			+ \$390=	
					Total	\$		Total	\$0

Fee payment:

- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$540.00 (Notice of Appeal) under (37 CFR 41.20(b)(1)).
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

February 19, 2010
Date

/G. Peter Nichols/
G. Peter Nichols, Reg. No. 34,401